

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ELIJAH LEE MILLER,

Plaintiff,

v.

CDCR, et al.,

Defendants.

Case No. [23-cv-01858-PJH](#)

**ORDER OF DISMISSAL**

Re: Dkt. No. 2

Plaintiff, a state prisoner, proceeds with a pro se civil action against a governmental entity. Court records indicate that plaintiff already proceeds with a case in this court concerning similar claims. *See Miller v. Dean*, Case No. 23-cv-1783 PJH. This case is dismissed as duplicative. *See Adams v. Cal. Dept. of Health Services*, 487 F.3d 684, 688 (9th Cir. 2007). The court will review plaintiff's claims in the earlier filed case.

For the foregoing reasons, this case is **DISMISSED** as duplicative. The pending motion (Dkt. No. 2) is **VACATED**. No fee is due. The clerk shall close this case.

**IT IS SO ORDERED.**

Dated: May 4, 2023

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON  
United States District Judge